

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director/ (954) 797-1101  
Prepared by: Bradley Swing, AICP, Planner II

**SUBJECT:** Ordinance  
Zoning Conformance

**AFFECTED DISTRICT:** Townwide

### **TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE I, SECTION 12-2, "LEGISLATIVE INTENT"; PROVIDING FOR REGULATIONS REQUIRING THAT REAL PROPERTY WITHIN THE TOWN SHALL BE DESIGNATED WITH A VALID TOWN OF DAVIE ZONING DISTRICT AS ESTABLISHED IN THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II PRIOR TO ISSUANCE OF A DEVELOPMENT PERMIT; PROVIDING FOR REGULATIONS; PROVIDING FOR A TIMEFRAME; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CRITERIA FOR REVIEW; AND PROVIDING FOR AN EFFECTIVE DATE.

### **REPORT IN BRIEF:**

The intent of this ordinance is to provide regulations requiring that all property within the Town shall be designated with a valid Town of Davie zoning district. Florida Statutes Chapter 171.062(2) provide that zoning regulations for annexed areas remain in full force and effect until a municipality adopts a comprehensive plan amendment that includes the annexed area. Town of Davie has annexed various parcels into the Town with Broward County and other zoning designations. It is the intent of this ordinance to require that all vacant parcels rezone to a valid Town of Davie zoning district prior to site plan approval and that any modification to a development order will require the parcel to rezone to a valid Town of Davie zoning district.

**PREVIOUS ACTIONS:** None.

**CONCURRENCES:** At the May 14, 2003 Local Planning Agency meeting, the ordinance was approved by a 4-0 vote, with Mr. Waitkus absent.

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** Staff recommends that Town Council approve the Ordinance.

**Attachment(s):** Ordinance

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE I, SECTION 12-2, "LEGISLATIVE INTENT"; PROVIDING FOR REGULATIONS REQUIRING THAT REAL PROPERTY WITHIN THE TOWN SHALL BE DESIGNATED WITH A VALID TOWN OF DAVIE ZONING DISTRICT AS ESTABLISHED IN THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II PRIOR TO ISSUANCE OF A DEVELOPMENT PERMIT; PROVIDING FOR REGULATIONS; PROVIDING FOR A TIMEFRAME; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CRITERIA FOR REVIEW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 171.062(2) F.S. provide that zoning regulations for annexed areas remain in full force and effect until a municipality adopts a comprehensive plan amendment that includes the annexed area; and

WHEREAS, the Town of Davie has annexed various parcels into the Town with Broward County and other zoning designations; and

WHEREAS, the Town Council of the Town of Davie desires to amend the Land Development Code to require that these parcels be designated with a valid Town of Davie zoning district; and

WHEREAS, it is the intent of this ordinance to require all real property in the Town to rezone to a valid Town of Davie zoning district prior to site plan approval; and

WHEREAS, any modification to a development order will require the parcel to rezone to a valid Town of Davie zoning district; and

WHEREAS, this ordinance shall apply to all real property without a valid Town of Davie zoning district; and

WHEREAS, the Town anticipates the completion of the administrative rezoning of all non-conforming parcels within 18 months; and

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That Section 12-2 of the Town Code is amended to read as follows:

This chapter conforms to the Town of Davie Comprehensive Plan, and furthers the goals, objectives and policies contained herein. Further, this chapter is in conformance with Chapter 163, Florida Statutes. This chapter conforms with Chapter 171, Florida Statutes relating to the effects of annexation on the zoning of annexed areas. All real property within the Town shall be designated with a valid Town of Davie zoning district as established in the Land Development Code, Chapter 12, Article II prior to issuance of a development permit.

SECTION 2. The definition of a development permit is any building permit, zoning permit, subdivision or plat approval, site plan approval, rezoning, special exception, variance or other official action of a unit of local government having the effect of permitting the development of land, but does not include any variance of other official action necessary solely for the purpose of issuing a permit, other than a building permit, pursuant to the South Florida Building Code, 1984, Broward Edition, as amended. For the purpose of this ordinance, a building permit, not related to another application shall be exempt from the rezoning requirements.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2003

PASSED ON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2003

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003